

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT  
DIST. OF N.H.  
FILED

Terrance P. Qualters, Pro Se

vs.

2004 OCT 19 A 11: 04  
CIVIL ACTION NO. C 04-390-M

Town of Winchester

**COMPLAINT**

1. Plaintiff is Terrance P. Qualters who resides at North Main Street, Box # 113, Winchester, New Hampshire 03470.
2. Defendant is the Town of Winchester, New Hampshire with an address of 1 Richmond Road, Winchester, New Hampshire 03470.
3. This case is being filed in federal district court to challenge the Town of Winchester's right to seize my property based upon the unconstitutionality of a State statute.
4. The Defendant seized my property for non-payment of taxes in 2003 when the State of New Hampshire activity tax was found unconstitutional by the New Hampshire Supreme Court in November of 2001.
5. The unconstitutional activity tax, which the Department of Revenue exempted as a property tax, caused my property values to rise 400% and was more than I could afford to pay.
6. This unconstitutional activity tax created a buy back cost beyond my financial means.

7. When an unconstitutional tax valuation is still on the tax records after November 2001 is unacceptable and the only tax that could be collected from me would be the prior tax on the property before the unconstitutional tax was adopted. I attempted to pay this tax to the Town of Winchester but the Town refused to accept my check and it.

8. The selectmen ordered the Town road agent, Dale Gray, not to purchase any more supplies from me because I challenged the activity tax back in 2000 at the Sullivan County Superior Court that the Town was collecting an unconstitutional tax and in 1999 I was claiming this tax was clearly unconstitutional from day one.

9. The Town failed to even notify the mortgage holder, Kenneth Perry, of the seizure of my property. Now my personal property is being attached by Mr. Perry when a tax sale would, with only the sale of one of the four lots, be able to satisfy his entire mortgage debt.

10. The Town after seizure of my property opened my land up to public use by removing security rocks around my gates allowing public access for recreation.

11. My mobile processing plant, machinery, snow plows, other contractor equipment and other supplies stored for processing have been idle since the 2003 tax seizure and between the State DRA and the Town has ordered me and any of my family from coming on to my properties or I will pay a \$ 5,000 fine under a State Court Order.

I, Terrance P. Qualters, request from the Court the following relief:

- A. Allow me to pay the true taxes owed to the Town.
- B. Deed the property back to me with true value.
- C. Allow me to resume plant operations to try to recover some losses before Winter.
- D. Allow me to sell my products again to the Town which was my main source of income prior to the seizure.
- E. Put rights of way in anew deed which the town stopped me from doing.
- F. Pay damages for every day my business has been shut down which is a minimum loss of \$ 200 per day as the Town can charge me for a violation of an ordinance.

Date: 10/19/2004

Signature: Terrance P. Qualters

Name: Terrance P. Qualters. Pro Se

Address: North Main Street Box 113

Winchester, NH 03470

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